

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DAVID KIM individually and on behalf of
all others similarly situated,

CV 11-2595 (ERK/VP)

ANSWER

Plaintiff,

Jury Trial Demanded

-against-

LEADING EDGE RECOVERY SOLUTIONS
INC.,

Defendant.

-----X

Defendant **LEADING EDGE RECOVERY SOLUTIONS INC.**, by its attorneys,
Litchfield Cavo LLP, as and for its Answer alleges as follows:

JURISDICTION

FIRST: Denies the allegations contained in Paragraph “1” of the Complaint.

SECOND: Denies and/or denies having information sufficient to form a belief as to the
allegations contained within Paragraph “2” of the Complaint.

THIRD: Denies the allegations contained within Paragraphs “3” and “4” of the Complaint
but admits that plaintiff is indebted to defendant’s principal a “debt which may be subject to the
Fair Debt Collection Practices Act.

FOURTH: Denies the allegations contained within Paragraphs “7”, “8”, “9” and “10” of the Complaint except admits that this Court has jurisdiction of actions brought under the Fair Debt Collection practices Act and venue would be proper based upon plaintiff’s claimed place of residence.

FIFTH: Admits the allegations contained within Paragraphs 11-17 of the Complaint insofar as it pertains to the plaintiff and for the extent that the letter attached as Exhibit A to the Complaint was sent by defendant.

SIXTH: Denies allegations contained within Paragraphs “18”, “19”, “20”, “21”, “22”, “23”, “24”, “25”, “26”, “27”, “28”, “29”, “30”, “31”, “32”, “33”, “34”, “35”, “36”, “37”, “38”, “39”, “40” and “41” except admits that the Fair Debt Collection Practices Act provides for class actions and declaratory relief.

AS AND FOR A FIRST COMPLETE AFFIRMATIVE DEFENSE

SEVENTH: The Complaint fails to state a claim upon which relief can be granted and/or the Court lacks supplemental jurisdiction.

AS AND FOR A SECOND COMPLETE AFFIRMATIVE DEFENSE

EIGHTH: The plaintiff has failed to mitigate and/or reduce his damages and losses, if any, as alleged by the Complaint.

AS AND FOR A THIRD COMPLETE AFFIRMATIVE DEFENSE

NINTH: To the extent that the Plaintiff lacks standing with respect to any claim, that claim should be dismissed.

AS AND FOR A FOURTH COMPLETE AFFIRMATIVE DEFENSE

TENTH: To the extent that the Defendant violated any provision of the Fair Debt Collection Practices Act, such violation was not intentional and resulted from a bona fide error that occurred notwithstanding the maintenance of procedures reasonably adapted to avoid such error.

AS AND FOR A FIFTH COMPLETE AFFIRMATIVE DEFENSE

ELEVENTH: The Complaint fails to meet the requirements of F.R.C.P. Rule 23 because it does not identify who the members of the purported class are, the reasons why ordinary joinder would not be effective and how there is commonality based upon the mere allegation that

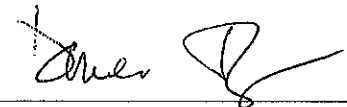
plaintiff is purportedly an unsophisticated individual without any reference to how his alleged unsophisticated knowledge is shared by others.

WHEREFORE the Defendant, **LEADING EDGE RECOVERY SOLUTIONS, INC.**, demands judgment dismissing the Complaint, herein with costs and disbursements; and further demands judgment over and against all other parties, with costs and disbursements, plus all attorneys' fees pursuant to 15 U.S.C. §§ 1692, *et seq.*, and other costs herein.

Dated New York, New York
August 1, 2011

LITCHFIELD CAVO, LLP

By:



Donald J. Cayea, Esq. (DC-4635)
420 Lexington Avenue, Suite 2104
New York, New York 10170
(212) 424-0100
Attorneys for Defendant
**LEADING EDGE RECOVERY
SOLUTIONS, INC.**

TO: Joseph Mauro, Esq.
The Law Offices of Joseph Mauro, Esq.
306 McCall Avenue
West Islip, New York 11795
(631) 669-0921
Attorneys for Plaintiff